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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Seventeenth Ordinary Session
Geneva, October 12 to 14, 1983

REPORT ON THE DECISIONS OF THE COUNCIL

adopted by the CouncilOpening of the Session

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its seventeenth ordinary session in Geneva from October 12 to 14, 1983.
2. The session was presided over by the President of the Council, Dr. W. Gfeller (Switzerland).
3. The list of participants is attached as Annex I to this report.
4. A more detailed report will be prepared shortly after the session and will be adopted by correspondence.

Adoption of the Agenda

5. The Council adopted the agenda as appearing in document C/XVII/1.

Lectures and Discussions on "Nomenclature"

6. The Council devoted its meeting of October 12 to lectures and discussions on "Nomenclature." The proceedings of this symposium will be the subject of a special publication and will also be published in "Plant Variety Protection."

Present Situation, Problems Arising and Progress Achieved in the Legislative, Administrative and Technical Fields

7. The Council noted the declarations made under this agenda item.
8. Following the information given by the representative of the Food and Agriculture Organization of the United Nations (FAO) on the status of the FAO seed information system and in particular on the cultivar sub-system, the Council endorsed the wish expressed by the Secretary-General that UPOV be invited to be represented by observers at the forthcoming twenty-second session of the Conference of FAO.

9. The Council noted the information given by the representative of the Commission of the European Communities, according to which the Commission was proposing to the member States of the Communities that action be taken with a view to establishing a common European plant variety protection scheme of optional character, to which European States not members of the Communities might be admitted. It also noted that such a system would in any case be organized in close contact with UPOV and would be based on present and future results achieved within UPOV. The Secretary-General expressed his appreciation of the conditions under which the plan was presented, and referred to the positive experience gained in the parallel case of the participation of the World Intellectual Property Organization (WIPO) in the preparation of the European Patent Convention.

10. The Council also noted the contents of documents C/XVII/5, 6, 6 Add., 7 and 8. The Delegation of Belgium drew attention to the fact that, following the conclusion, on October 7, 1983, of an extension of the bilateral agreement between Belgium and the Federal Republic of Germany, the brackets around the indication "DE" in the entry Begonia X tuberhybrida Voss had to be deleted in document C/XVII/5.

11. The Council referred to the Consultative Committee the examination of possible measures, which had been suggested during the session, with a view to expediting the proceedings of the Council under this agenda item.

Report by the President on the Work of the Twenty-Seventh and Twenty-Eighth Sessions of the Consultative Committee

12. The Council noted the report on the work of the twenty-seventh session of the Consultative Committee as appearing in paragraph 3 of document C/XVII/2 Add., and also the oral report by the President on the work of the twenty-eighth session.

13. On the basis of the recommendations made by the Consultative Committee, the Council decided the following:

(i) The subject of the symposium to be held in 1984 in the framework of the eighteenth ordinary session of the Council would be "Industrial Patents and Plant Breeders' Rights - Their Proper Fields and Possibilities for Their Demarcation";

(ii) There would be no meeting with international organizations in 1984;

(iii) Without prejudice to the decisions that might be taken by the Council at its next ordinary session, the program for the year 1985 should not provide for the holding of a symposium in the framework of its nineteenth ordinary session, but for the holding of a meeting with international organizations; the Secretary-General was to prepare the budget for 1985 accordingly;

(iv) A symposium should be held in 1986, in the framework of the twentieth ordinary session of the Council, at which the twenty-fifth anniversary of the signing of the UPOV Convention would be celebrated; the records of that symposium might be drawn up in the form of a Festschrift (commemorative publication).

14. The Council noted with gratitude the intention of the French authorities to host the twentieth ordinary session of the Council in 1986, to mark the twenty-fifth anniversary of the signing of the UPOV Convention. The arrangements for the organization of that event would be made in consultation between the delegation of France and the Office of the Union and would be brought to the attention of the Consultative Committee.

15. The Council delegated to the Consultative Committee the decision on the proposal that a small committee be set up to examine the program needs and finances of the Union for more than just the next following year. In view of the fact that forming a small committee from among members of an already small organization was a difficult task, the Secretary-General's advice was that the most convenient would be to refer such examination to the Consultative Committee itself.

Report by the Secretary-General on the Activities of the Union in 1982 and in the First Nine Months of 1983

16. The Council unanimously approved the report by the Secretary-General as contained in document C/XVII/2 and in its supplement (document C/XVII/2 Add.).

Report by the Secretary-General on his Management and the Financial Situation of the Union in 1982

17. The Council unanimously approved the report by the Secretary-General as contained in document C/XVII/3 and congratulated him on his cost-effective management.

Presentation of the Report Concerning the Auditing of the Accounts for 1982

18. The Council noted the report contained in document C/XVII/3, Annex B, and approved the accounts of the Union for the year 1982.

Progress of the Work of the Administrative and Legal Committee

19. The Council unanimously approved the report on the progress of the work of the Administrative and Legal Committee as contained in document C/XVII/9.

20. It further noted with approval the plans for the future work of that Committee as indicated in document C/XVII/9, subject to the addition of matters arising out of the present session, and in particular the examination of the implications of the need for certain member States with special climatic conditions to supplement examination reports taken over from other member States (a question that might also need to be examined in the Technical Committee).

Progress of the Work of the Technical Committee and of the Technical Working Parties

21. The Council unanimously approved the report on the progress of the work of the Technical Committee and of the Technical Working Parties as contained in document C/XVII/10 and in its supplement (document C/XVII/10 Add.).

22. It noted with approval the plans for their future work as indicated in the above-mentioned documents.

23. In accordance with the request reflected in paragraph 10 of document C/XVII/10 Add., the Council urged member States to implement the decisions taken by UPOV to their full extent and without delay and to use the forms and documents adopted by UPOV.

Headquarters Agreement with the Swiss Confederation

24. The Council noted with gratitude the decision of the Swiss Federal Council, taken on September 26, 1983, to authorize the proposed Headquarters Agreement between the Swiss Confederation and UPOV.

Examination and Approval of the Program and Budget of the Union for 1984

25. Discussions were based on document C/XVII/4 and on the amended extracts therefrom appearing in document CC/XXVIII/4. Those extracts are reproduced in Annex II to this report.

26. The Council approved the budget of the Union for 1984 and the annual contributions of member States as appearing in Annex II to this report. The Delegation of the United States of America pointed out that the budget did not fulfil the requirements of its Government for the budgets of international organizations and, accordingly, dissociated itself from its adoption.

Calendar of Meetings in 1984

27. The Council approved the calendar of meetings for 1984 as appearing in document C/XVII/12 Rev. 2.

Elections

28. The Council elected the following officers:

- (i) Mr. J. Rigot (Belgium) was elected President of the Council;
- (ii) Mr. S.D. Schlosser (United States of America) was elected Vice-President of the Council;
- (iii) Mr. J.-M. Elena Rossello (Spain) was elected Chairman of the Technical Committee;
- (iv) Mr. R. Guy (Switzerland) was elected Vice-Chairman of the Technical Committee;
- (v) Mr. F. Espenhain (Denmark) was elected Vice-Chairman of the Administrative and Legal Committee;
- (vi) Mrs. Valerie Silvey (United Kingdom) was elected Chairman of the Technical Working Party for Automation and Computer Programs.

29. The Council endorsed the proposal made by the Technical Committee that there should be no vice-chairmen for the Technical Working Parties.

30. This report was unanimously adopted by the Council at its meeting on October 14, 1983.

[Annexes follow]

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS/TEILNEHMERLISTE

I. MEMBER STATES/ETATS MEMBRES/VERBANDSSTAATEN

BELGIUM/BELGIQUE/BELGIEN

- M. J. RIGOT, Ingénieur en chef, Directeur au Ministère de l'agriculture, 36, rue de Stassart, 1050 Bruxelles
- M. R. D'HOOGH, Ingénieur principal, Chef de service, "Protection des obtentions végétales," Ministère de l'agriculture, 36, rue de Stassart, 1050 Bruxelles

DENMARK/DANEMARK/DÄNEMARK

- Mr. H. SKOV, Chief of Administration, Statens Planteavlkontor, Virumgaard, Kongevejen 83, 2800 Lyngby
- Mr. F. ESPENHAIN, Head of Office, Plantenyhedsnaevnet, Tystofte, 4230 Skaelskør

FRANCE/FRANKREICH

- M. Y. VAN HAECKE, Sous-directeur des productions végétales, Ministère de l'agriculture, 3, rue Barbet de Jouy, 75007 Paris
- M. M. SIMON, Secrétaire général, Comité de la protection des obtentions végétales, 17, avenue de Tourville, 75007 Paris

GERMANY (FED. REP. OF)/ALLEMAGNE (REP. FED. D')/DEUTSCHLAND (BUNDESREPUBLIK)

- Dr. D. BÖRINGER, Präsident, Bundessortenamt, Postfach 61 04 40, 3000 Hannover 61

HUNGARY/HONGRIE/UNGARN

- Dr. B. SZALOCZY, Director General, Institute for Plant Production and Qualification, Ministry of Agriculture and Food, Kisrokus u. 15/a, 1525 Budapest 114
- Dr. J. BOBROVSZKY, Head of Division, Legal and International Department, National Office of Inventions, P.O. Box 552, 1370 Budapest 5

IRELAND/IRLANDE/IRLAND

- Mr. P.J. O'LEARY, Controller of Plant Breeders' Rights, Agriculture House, Kildare Street, Dublin 2

ISRAEL

- Dr. H. GELMOND, Chairman, Plant Breeders' Rights Council, Agricultural Research Organization, Volcani Center, P.O. Box 6, Bet Dagan 50 250

ITALY/ITALIE/ITALIEN

- Prof. S. SAMPERI, Directeur, Office national des brevets, Via Molise 19, Rome
- Dr. B. PALESTINI, Chief Inspector, Ministry of Agriculture and Forestry, 20, Via XX Settembre, 00187 Rome

JAPAN/JAPON/JAPAN

- Mr. T. ISHIKI, Deputy Director, Seeds and Seedlings Division, Agricultural Production Bureau, Ministry of Agriculture, Forestry and Fisheries, 1-2-1, Kasumigaseki, Chiyoda-ku, Tokyo
- Mr. T. KATO, First Secretary, Permanent Mission of Japan, 10, avenue de Budé, 1202 Geneva, Switzerland

NETHERLANDS/PAYS-BAS/NIEDERLANDE

- Mr. W.F.S. DUFFHUES, Director, Field Crops and Horticulture, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague
- Mr. M. HEUVER, Chairman, Board for Plant Breeders' Rights, Nudestraat 11, 6700 AC Wageningen
- Mr. K.A. FIKKERT, Legal Adviser, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague
- Mr. F. SCHNEIDER, Head, Department of Horticultural Botany, RIVRO, c/o IVT, B.P. 16, 6700 AA Wageningen

NEW ZEALAND/NOUVELLE-ZELANDE/NEUSEELAND

- Mr. F.W. WHITMORE, Registrar of Plant Varieties, Plant Varieties Office, P.O. Box 24, Lincoln, Canterbury

SOUTH AFRICA/AFRIQUE DU SUD/SÜDAFRIKA

- Dr. J. LE ROUX, Agricultural Counsellor, South African Embassy, 59, Quai d'Orsay, 75007 Paris, France
- Mr. D.C. LOURENS, Deputy Director, Department of Agriculture, Division of Plant and Seed Control, Private Bag X179, Pretoria

SPAIN/ESPAGNE/SPANIEN

- Dr. F. MIRANDA DE LARRA Y ONIS, Director, Instituto Nacional de Semillas y Plantas de Vivero, José Abascal, 56, Madrid 3
- Dr. J.R. PRIETO HERRERO, Consejero para Asuntos Agronomicos y de Pesca, Delegacion Permanente de España, 70, rue de Lausanne, Genève, Suisse
- M. J.-M. ELENA ROSSELLO, Chef du Registre des variétés, Instituto Nacional de Semillas y Plantas de Vivero, José Abascal 56, Madrid 3

SWEDEN/SUEDE/SCHWEDEN

- Mr. S. MEJEGÅRD, President of Division of the Court of Appeal, Armfeltsgatan 4, 115 34 Stockholm
- Mr. A.O. SVENSSON, Head of Office, Statens växtsortnämnd, 171 73 Solna

SWITZERLAND/SUISSE/SCHWEIZ

- Dr. W. GFELLER, Leiter des Büros für Sortenschutz, Bundesamt für Landwirtschaft, Mattenhofstrasse 5, 3003 Bern
- M. R. GUY, Chef de service chargé de l'examen, Station fédérale de recherches agronomiques de Changins, 1260 Nyon

UNITED KINGDOM/ROYAUME-UNI/VEREINIGTES KÖNIGREICH

- Mr. F.H. GOODWIN, Controller of Plant Variety Rights, Plant Variety Rights Office, White House Lane, Huntingdon Road, Cambridge CB3 0LF
- Ms. J.M. ALLFREY, Deputy Controller, Plant Variety Rights Office, White House Lane, Huntingdon Road, Cambridge CB3 0LF

UNITED STATES OF AMERICA/ETATS-UNIS D'AMERIQUE/VEREINIGTE STAATEN VON AMERIKA

- Mr. S.D. SCHLOSSER, Attorney, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce, Washington, D.C. 20231

II. OBSERVER STATES/ETATS OBSERVATEURS/BEOBACHTERSTAATEN

ARGENTINA/ARGENTINE/ARGENTINIEN

- Dr. H.C. GONZALEZ, Second Secretary, Permanent Mission of Argentina, 110 Avenue Louis Casaf, 1215 Geneva 15, Switzerland

AUSTRIA/AUTRICHE/ÖSTERREICH

- Dr. J. STEINBERGER, Abteilungsleiter, Bundesanstalt für Pflanzenbau, Postfach 64, 1201 Wien

EGYPT/EGYPTE/ÄGYPTEN

- Dr. A.-R.H. SHEHATA, Deputy Director for Research, Agricultural Research Center, Ministry of Agriculture and Agrarian Reform, Giza, Cairo
- M. M. DAGHASH, Conseiller, Mission permanente, 72, rue de Lausanne, 1202 Genève, Suisse

PANAMA

- Mme C. VASQUEZ, Attaché scientifique, Mission permanente, 63, rue de Lausanne, 1202 Genève, Suisse

POLAND/POLOGNE/POLEN

- M. J. VIRION, Chef-expert au Ministère de l'agriculture et de l'économie alimentaire, 30, rue Wspolna, Warszawa

YUGOSLAVIA/YOUGOSLAVIE/JUGOSLAWIEN

- Mr. D. JELIC, Diplomagraringenieur, Bundesministerium für Landwirtschaft, Bul. Avnoja 104, 11050 Belgrad

ZIMBABWE/SIMBABWE

- Dr. S.C. MUCHENA, Deputy Secretary, Ministry of Agriculture, Private Bag 7701, Causeway, Harare

III. INTERGOVERNMENTAL ORGANIZATIONS/
 ORGANISATIONS INTERGOUVERNEMENTALES/
 ZWISCHENSTAATLICHE ORGANISATIONEN

COMMISSION OF THE EUROPEAN COMMUNITIES (CEC)/COMMISSION DES COMMUNAUTES EUROPEENNES (CCE)/KOMMISSION DER EUROPÄISCHEN GEMEINSCHAFTEN (KEG)

M. D.M.R. OBST, Administrateur principal, Commission des Communautés Européennes, 200, rue de la Loi (Loi 84-7/9), 1049 Bruxelles, Belgique

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)/ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE (FAO)/ERNAHRUNGS- UND LANDWIRTSCHAFTSORGANISATION DER VEREINTEN NATIONEN (FAO)

Dr. W.P. FEISTRITZER, Chief, Seed Service, Plant Production and Protection Division, Via delle Terme di Caracalla, 00100 Roma, Italy

INTERNATIONAL BOARD FOR PLANT GENETIC RESOURCES (IBPGR)/CONSEIL INTERNATIONAL DES RESSOURCES PHYTOGENETIQUES (CIRP)/INTERNATIONALER RAT FÜR PFLANZENGENETISCHE RESOURCEN (IBPGR)

M. P.M. PERRET, Genetic Resources Officer, Via delle Terme di Caracalla, 00100 Roma, Italy

IV. OFFICERS/BUREAU/VORSITZ

Dr. W. GFELLER, President
 Mr. J. RIGOT, Vice-President

V. OFFICE OF UPOV/BUREAU DE L'UPOV/BÜRO DER UPOV

Dr. A. BOGSCH, Secretary-General
 Dr. H. MAST, Vice Secretary-General
 Dr. M.-H. THIELE-WITTIG, Senior Counsellor
 Mr. A. HEITZ, Senior Officer
 Mr. A. WHEELER, Senior Officer
 Mr. K. SHIOYA, Associate Officer

VI. OFFICE OF WIPO/BUREAU DE L'OMPI/BÜRO DER WIPO

Mr. M. LAGESSE, Controller

[Annex II follows/
 L'annexe II suit/
 Anlage II folgt]

ANNEX II

TABLE I - SUMMARY OF BUDGET
(expressed in thousands of francs)

	Original Budget for 1984 pro- posed by Secretary- General	Revised proposals of the Consultative Committee		
		Program Reduction	Cost Reduction	Revised 1984 Budget
INCOME				
Contributions	1,644	-33	-11	1,600 ^(a)
Other Income				
- Publications	5			5
- Miscellaneous	40			40
	<u>1,689</u>	<u>-33</u>	<u>-11</u>	<u>1,645</u>
	=====	===	===	=====
EXPENDITURE				
UV.10 <u>Staff:</u> Salaries and Common Staff Costs	1,017		-7	1,010
<u>Travel on Official Business:</u>				
- <u>Missions [Staff]</u>				
UV.04 - Technical Working Parties	9			
UV.09 - Contacts with Governments and Organizations	27			
- Sub-total	36			36
- <u>Third Party Travel [non-staff]</u>				
UV.01 - Council: Symposium speakers	9			9
<u>Contractual Services:</u>				
- <u>Conferences</u>				
UV.01 - Council	11			
UV.02 - Consultative Committee	9			
UV.03 - Technical Committee	11	-3		
UV.05 - Administrative and Legal Committee	23	-7		
UV.06 - Meeting with Int. Organizations	7	-7		
- Sub-total	61		-1	43
UV.07 - <u>Printing: Information and Documentation</u>	62	-16		46
UV.07 - <u>Other: Information and Documentation</u>	4			
UV.11 : Program Support Expenses	6			
- Sub-total	10			10
UV.11 <u>General Operation Expenses:</u>				
Rental of Premises	39			39
UV.11 <u>Supplies and Materials</u>	3			3
UV.11 <u>Furniture and Equipment</u>	5			5
UV.11 <u>Other Expenses</u>	12			12
Sub-total: EXPENSES PROPER TO UPOV	<u>1,254</u>	<u>-33</u>	<u>-8</u>	<u>1,213</u>
*UV.12 Common Expenses	435		-3	432
TOTAL EXPENSES	<u>1,689</u>	<u>-33**</u>	<u>-11</u>	<u>1,645</u>
	=====	===	===	=====

(a) The value of the contribution unit is 1,600,000 divided by 41 units = 39,024 (+4.4%)
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* Exclusive of UPOV's share in the WIPO common income which is included under "Other Income - Miscellaneous," above.

** The program variation has become minus 2.0% (instead of plus 0.2%)

TABLE II - YEARLY CONTRIBUTIONS OF MEMBER STATES
(expressed in Swiss francs)

<u>Member States</u>	<u>Number of Units (1984)</u>	<u>Original budget for 1984 proposed by Secretary-General</u>	<u>Revised proposals of Consultative Committee</u>
Belgium	1.5	60,146	58,537
Denmark	1.5	60,146	58,537
France	5.0	200,488	195,122
Germany, Federal Republic of	5.0	200,488	195,122
Hungary	0.5	20,048	19,512
Ireland	1.0	40,098	39,024
Israel	0.5	20,048	19,512
Italy	2.0	80,195	78,048
Japan	5.0	200,488	195,122
Netherlands	3.0	120,293	117,074
New Zealand	1.0	40,098	39,024
South Africa	1.0	40,098	39,024
Spain	1.0	40,098	39,024
Sweden	1.5	60,146	58,537
Switzerland	1.5	60,146	58,537
United Kingdom	5.0	200,488	195,122
United States of America	5.0	200,488	195,122
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	41.00	1,644,000	1,600,000
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